G. R. S. IX-5]

Previous references.

1917-18
(Legis)

File No. 29-17

Serial Nos. 1

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1

Part B for April 1918

SUBJECT.

Amendment of the Mysore Court Fees Regulation, 1900, (R.A. Subject No 63 of October 1917)

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1) To the Deputy Commissioner of Mysore & Chitaldroog Dist. No J42 35-6 dt 18-4-1918. States that Govt. are of opinion that there is no necessity to change the existing law

W D 88—GPB—50,000—24-7-18

Md Abdur Rahman Khan
29. 4. 1918

G. R. S. 11] 1917.

GENERAL AND REVENUE SECRETARIAT.

(Legis)

NOTES.

File No. 29-17

FILE HEADING.

Amendment of the Nilgiris Civil Fees Regulation, 1900, (R.A subject No. 63 of 1917)

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

PRIVY ABSTRACT OF LETTER

12
J. 1825
17 18
29-1

SUBJECT No. 63.

Amendment of the Court Fees Act.

Messrs.. M. S. Krishna Rao, Bar Association, Mysore and C. Chennakesavaiya, Chitaldrug taluk.

SECRETARIAT
JUDICIAL
7 FEB 1918

Summary of discussion.—No provision is made in the Court Fees Act for the refund of excess court fee paid by mistake or inadvertence. The Court Fees Act may be amended so as to enable courts to grant refunds in such cases.

Mr. M. S. Krishna Rao.—The courts have no power to order refund of such fees according to 11 B. L. R. 37 and 20 W. R. 106.

Reply of Government.—Will be considered.

opinion of the judges of the Chief Court as recorded in the Subjects Book of the R.A. Oct: 1917

3

Chief Judge. — I am not averse to this proposal; but I should do as it is done in the case of unused stamps and deduct something, say one anna in the rupee, to discourage the parties from making careless overpayments There is however no pressing need for a change, only there may be a few cases in which parties are pressed for time to some limitation and cannot easily ascertain at once the correct fee I don't think cases of overpayment are many The rule would, of course, not apply to any case other than mere arithmetical miscalculation of the court fee We could not refund fees on the ground of wrong valuation of the property, for instance

Chandrasekhara Iyer. —

I am not sure that there is any great necessity for the change.

(4

But if it is decided on a time limit (say 90 days) will also have to be fixed within which a re-application for refund must be made

Justice Paramasiva Iyer —

I agree

Rs. III notes. — May be considered

notes from discussions

When excess fee is [illegible] there is no provision for refund

Please see 11 S.L.R. 307 } High Courts
20 N.R. 106 } have no power to refund value.

Disposal by Circulation)

No. C. 503

6 · 3 .....191.8

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

(Clause ii of the

Question of introducing a Bill to amend the Mysore Court Fees Regulation, 1900.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C Balasundaram Jr

1st March .....191 8 Chief Secretary to Government.

Extraordinary Member of Council. Opinion recorded.

3096 4/3

First Member of Council. Opinion recorded by the 1st member

Second Member of Council. Seen

draft order

WD 2670—GPB—1,000—11-5-17

Legis File No. 29 of 191 (7

Subd with a draft order

16/3/18

Dist Members draft approved subject to Min.

19/3/18

Parlty D.F.A. D.F.A.

9/3/18

Subd. with a d.f.n. and a d.o.

21/3/18

8

Final Note by the First Member of Council.

Subject:—

Re: Amending the Mysore Court Fees Regulation 1900.

The question of amending the Mysore Court Fees Regulation so as to empower Courts to grant refunds of excess court fees paid by mistake or inadvertance was mooted in the Representative Assembly in October last.

2. The Chief Court who were consulted were of opinion that there was no pressing need for a change as the cases of overpayment are not many. All the Members of Council are also of the same opinion.

3. A draft reply informing the members of the Representative Assembly who moved the subject that Government are of opinion that there is no necessity to change the existing law is put up and may be approved.

First Member of Council.

22nd March 18.

Submitted to His Highness.

P See page 8 of this file

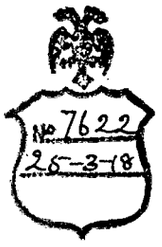
I submit herewith a Final Note by the First *Member of Council on the subject of* amending the Mysore Court Fees Regulation, 1900, *for His Highness' gracious approval.*

M. Visvesvaraya

Dewan.

25th March 1918.

Record of Cases submitted for the Orders
of His Highness the Maharaja



Subject.

Proposal to amend the Mysore Court Fees Regulation of 1900.

Order.

~~KRW~~
2/4/18

Bill further to amend the Mysore Court Fees Regn, 1900

(12)

Whereas it is expedient further to amend the Mysore Court Fees Regn, 1900 His Highness the Maharaja is pleased to enact as follows:

After section 12 add the following new section as section 12A

"12A Where by a mistake or inadvertance in computing fees payable on a suit under section 4 of the Regn a higher fee than what is properly chargeable has been paid the Court may in its discretion grant the party

Statement of Objects 12
and reasons

The R.A in October 1917
ade a representation that
ere existed no provision
abling the Com'rs to
der refund of excess
ee paid by mistake
inadvertance and
is deemed necessary
provide for the same

Section ~~Art~~ Legs

File No. 46-16

Serial No. 129-17

Proceedings of the Government of
His Highness the Maharaja of Mysore.

Read.— ~~Proceedings~~ Subject No 63 of the Proceedings of the Representative Assembly in October 1917 re the amendment of the Mysore Court Fees Regulation, 1100 and the reply of Govt thereon